

REMARKS

The application has been amended and is believed to be in condition for allowance.

Applicant acknowledges with appreciation the indication that claims 4-16 were directed to allowable subject matter and would be allowable if rewritten to overcome the rejections under section 112 and 101.

The previously pending claims were rejected under section 101 as reciting non-statutory subject matter, e.g., "essentially through or close to a user's center of gravity (17)" and "the user's hip" which the Official Action indicated "specifically limits the claim to particular part of the human body". MPEP 2105 was referenced.

The Official Action is of course correct that recitations to "Living Subject Matter" is limited, e.g., forth in Chakrabarty, e.g., that "a nonnaturally occurring manufacture or composition of matter" is patentable. See that MPEP provides guidance that "If the broadest reasonable interpretation of the claimed invention as a whole encompasses a human being, then a rejection under **35 U.S.C. 101** must be made indicating that the claimed invention is directed to nonstatutory subject matter."

As to the presently pending claims, amendments have been made to ensure in the broadest reasonable interpretation of the claimed invention as a whole does not encompasses a human being. Thereby, the prohibition under section 101 is avoided.

It is noted that page 5 of the Official Action, paragraphs 12-13, states that the recitation "The previously pending claims were rejected under section 101 as reciting non-statutory subject matter, e.g., "user's center of gravity (17)" and "user's hips" were not considered to limit the claim to specific locations.

Accordingly, claims 4 and 10 have been amended as follows to remove the object-to recitation. Claims 9 and 16 have been amended to more generally recite this feature: "an axis of rotation (20) of the seat through the seat pivot support (16) is provided". Claims 5 and 11 are similarly amended. In this way, references to the human body have been avoided.

Withdrawal of the section 101 rejection is therefore solicited.

The previously pending claims were rejected under section 112, second paragraph is indefinite.

Again, objection was made to "essentially through or close to a user's center of gravity (17)" and "the user's hip".

As noted above, claims 4 and 10 have been amended as follows to remove the object-to recitation. Claims 9 and 16 have been amended to more generally recite this feature: "an axis of rotation (20) of the seat through the seat pivot support (16) is provided". Claims 5 and 11 are similarly amended. In this way, references to the human body have been avoided.

Further, in claim 10, "the back swivel fittings and each of the seat swivel fittings" was identified as having insufficient antecedent basis.

Claim 10 was amended to add "a pair of seat swivel fittings (11) fastened to the seat frame (9); and a pair of back swivel fittings (10) fastened to the back (3);". These recitations were previously found in claim 13, and provide the necessary antecedent basis. No new matter is entered by way of this amendment.

Withdrawal of the section 112, section paragraph rejection is therefore also solicited.

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In view of the above amendments having addressed the pending formal matters, and claims 1-3 having been canceled, allowance of all the claims is solicited.

Applicant would appreciate that claim 10 be identified as claim 1 in the patent that issues from the application.

Should there be any matters that need to be resolved in the present application; the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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